

Project No: 4029  
Project Name: Calaveras Road Slope Repair

DRAFT 19

**AMENDMENT NO. 1 TO AGREEMENT  
FOR CONSULTATION AND OTHER SERVICES**

This Amendment is entered into this 3<sup>rd</sup> day of June, 2003, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and H. T. Harvey & Associates, (hereafter referred to as "CONSULTANT").

**RECITALS**

WHEREAS, the parties entered into an Agreement for professional services to prepare a Long-Term Environmental Monitoring and Maintenance Plan for Calaveras Road, Project 4029 on March 4, 2003; and

WHEREAS, the parties desire to amend the Agreement to allow the Consultant perform actual monitoring and mitigation of the site as required by agency permit.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. The first sentence in Section 1.1, entitled "Term of Service" is amended to read:

The term of this agreement shall begin on the date first noted above and shall end on December 31, 2008, the date of completion specified in Exhibit A-AM1, and Consultant shall complete all the work described in Exhibit A-AM1 prior to that date, unless the term of the Agreement is otherwise terminated or extended, as provided for in Section 8.

2. The first sentence of Section 2, entitled "Compensation" is amended to read:

City hereby agrees to pay Consultant an amount not to exceed \$47,516.00 for all services to be performed and reimbursable costs incurred under this Amendment.

3. Section 2.4 entitle "Hourly Fees" is amended to read:

Fees for work performed by Consultant on an hourly basis shall not exceed the amount shown on Exhibit B-AM1.

4. All other provisions of the Agreement shall remain in full force and effect.

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This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS

H. T. HARVEY & ASSOCIATES

\_\_\_\_\_  
City Engineer as to content

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Attorney as to Form

ATTESTED BY:

\_\_\_\_\_  
City Clerk

**PROPOSED SCOPE OF SERVICES  
CALAVERAS ROAD SLOPE STABILIZATION PROJECT  
LONG-TERM MONITORING AND MAINTENANCE ASSISTANCE**

**5/7/03**

**Proposal Number 3769**

H.T. Harvey & Associates proposes to provide ecological consulting services for the City of Milpitas, California, to conduct long-term mitigation monitoring and provide maintenance assistance. This project will be billed on a time-and-charges not-to-exceed basis. The scope and budget are valid for a period of 60 days from the time of submittal.

The tasks associated with this scope of services are as follows:

**TASK 1. LONG-TERM MITIGATION SITE MONITORING (YEARS 1-5)**

H. T. Harvey & Associates, in collaboration with Clearwater Hydrology, will conduct long-term (Years 1-5) mitigation monitoring for the Calaveras Road Slope Stabilization Project per the methods provided in the Calaveras Road Slope Stabilization Site Mitigation and Monitoring Plan (H. T. Harvey & Associates 2003). Year-1 monitoring will be conducted in Fall 2003 with Years 2-5 monitoring occurring in subsequent years. A draft report will be prepared summarizing the vegetation and structural stability monitoring results. The draft report will be submitted to the City of Milpitas for review. The draft report will be revised if requested by the client. This task allows time for minor revisions only. The annual monitoring report will then be sent to the appropriate agencies by December 31 of each monitoring year. This task assumes that the monitoring requirements described in the May 6, 2003 mitigation and monitoring plan shall not be substantially altered following review of the plan by the Regional Water Quality Control Board.

**TASK 2. MAINTENANCE ASSISTANCE (Years 1-3)**

H. T. Harvey & Associates will provide maintenance assistance including irrigation of the mitigation plantings, weed control, and general site maintenance inspections in Years 1-3. In Year-1, the plants will be irrigated twice per month between June and October. In Year-2, the plants will be irrigated once per month in June and July and twice per month between August and October. In Year-3, the plants will be irrigated once per month between June and October. H. T. Harvey & Associates will also provide weed control in Years 1-3, which will include manually removing herbaceous weeds within a 1-foot zone around the base of each planting. Weed control activities will occur twice a year except in Year-1 (2003) when it shall only occur

once. In addition, during each site visit, H. T. Harvey & Associates' restoration ecologist will note any other maintenance issues including herbivory and trash removal and will report these issues to the City of Milpitas with appropriate remedial actions. This task does not include the work required to resolve these additional maintenance issues.

**Literature Cited**

H. T. Harvey & Associates. 2003. Calaveras Road Slope Stabilization Site Mitigation and Monitoring Plan. File 1804-07.

**H.T. HARVEY & ASSOCIATES****ECOLOGICAL CONSULTANTS****Project Name: Calaveras Road Long-Term Monitoring and Maintenance****Project Number:****Proposal Number: 3769****Date: May 7, 2003****Staff Time Estimates**

Task	Personnel Hours by Task							Subtask Cost	Subtask Cost
	Dan Stephens	Patrick Reynolds	John Bourgeois	Ernst Streng	Matt Quinn	Graphic/GIS	Support		Cost with 3% Annual Increase
1. Long-Term Mitigation Monitoring									
a. Year-1	1	3	5	38	8	6	3	\$ 5,650.00	\$ 5,650.00
b. Year-2	1	3	5	32	8	4	3	\$ 4,980.00	\$ 5,129.40
c. Year-3	1	3	5	32	8	4	3	\$ 4,980.00	\$ 5,278.80
d. Year-4	1	3	5	32	8	4	3	\$ 4,980.00	\$ 5,428.20
e. Year-5	1	3	5	32	8	4	3	\$ 4,980.00	\$ 5,577.60
2. Maintenance Assistance									
a. Year-1 Irrigation	0.5	1	1	25	0			\$ 2,447.50	\$ 2,447.50
b. Year-1 Weed Control			1	8				\$ 790.00	\$ 790.00
c. Year-2 Irrigation	0.5	1	1	20	0			\$ 2,022.50	\$ 2,083.18
d. Year-2 Weed Control			1	8				\$ 790.00	\$ 813.70
e. Year-3 Irrigation	0.5	1	1	13	0			\$ 1,427.50	\$ 1,513.15
f. Year-3 Weed Control			1	8				\$ 790.00	\$ 837.40
Totals	6.5	18	31	248	40	22	15	\$ 33,838	\$ 35,548.93
Technical Assignment	Principal	Division Head	Project Manager	Restoration Ecologist	Restoration Ecologist				

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**H.T. HARVEY & ASSOCIATES**  
**ECOLOGICAL CONSULTANTS**

**Project Name:** Calaveras Road Long-Term Monitoring and Maintenance

**Project Number:**

**Proposal Number:** 3769

**Date:** May 7, 2003

**PROJECT BUDGET**

<b>I. Personnel Costs</b>			
<b>Professional Staff</b>	<b>Hours</b>	<b>Rate</b>	<b>Total</b>
Dan Stephens	6.5	\$ 165.00	\$ 1,072.50
Patrick Reynolds	18	\$ 130.00	\$ 2,340.00
John Bourgeois	31	\$ 110.00	\$ 3,410.00
Ernst Strenge	248	\$ 85.00	\$ 21,080.00
Matt Quinn	40	\$ 80.00	\$ 3,200.00
Graphic/GIS	22	\$ 80.00	\$ 1,760.00
Support	15	\$ 65.00	\$ 975.00
<b>Subtotal</b>			<b>\$ 33,837.50</b>
<b>Total with 3% increase per year increase</b>			<b>\$ 35,548.93</b>
<b>Subcontractual Services</b>		\$ -	\$ -
Clearwater Hydrology		\$ -	\$ 10,500.00
General Administrative Expense Percentage:		10%	\$ 1,050.00
<b>Subtotal</b>			<b>\$ 11,550.00</b>

<b>II. Direct Costs</b>	<b>Miles/Days</b>	<b>Rate</b>	
Travel (\$0.365/mile)	900	\$ 0.365	\$ 328.50
Digital Camera	5	\$ 10	\$ 50.00
GIS (per hour surcharge)		\$ 10	\$ -
Equipment			\$ -
Expendable Supplies			\$ -
Biological Data Base Searches			\$ -
Service Fees (10%)			\$ 37.85
<b>Subtotal:</b>			<b>\$ 416.35</b>

<b>III. Total Budget</b>	<b>\$ 47,515.28</b>
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